

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANCIS WOUKOP YOMI,

Plaintiff(s),

v.

CARLOS DEL TORO,

Defendant(s).

CASE NO. C23-5199-KKE

ORDER ON JOINT STATEMENT OF
DISCOVERY DISPUTES

The parties submitted a joint discovery dispute statement addressing two disputes, which were discussed at a discovery conference on August 16, 2024. Dkt. Nos. 59, 63. This order memorializes the Court's oral rulings at that conference.

The parties' first dispute centers on Plaintiff's refusal to submit to a deposition without a court order to do so, on the grounds that he was already deposed in 2016 in the administrative proceeding that preceded this case. As explained at the hearing, Plaintiff has not yet been deposed in this case: *Yomi v. Del Toro*, No. C23-5199-KKE (W.D. Wash.). For purposes of Federal Rule of Civil Procedure 30(a)(1)(A)(ii), "the case" did not commence until Plaintiff filed a complaint in the U.S. District Court for the Western District of Washington. Therefore, Plaintiff has not yet been deposed in this case and Defendant is entitled to depose him as a party in this action without leave of the Court. *See* Fed. R. Civ. P. 30(a)(1). Although the discovery cutoff has already passed, the Court finds good cause to extend that deadline to compel Plaintiff to testify at a deposition to

1 be held remotely at a mutually agreeable date and time no later than August 30, 2024. Defendant
2 may file any discovery-related motion based on Plaintiff's deposition no later than September 4,
3 2024.

4 With respect to the parties' second dispute, which centers on Plaintiff's belief that
5 Defendant has not fully responded to his discovery requests, Plaintiff may file a motion to compel
6 no later than August 30, 2024. Plaintiff's motion should address the authority to support his
7 contention that Defendant has not fully responded to his discovery requests, even though
8 Defendant claims to have already produced all responsive documents and information in its
9 possession. *See* Dkt. No. 59 at 6–7. This dispute is not amenable to resolution in a discovery
10 hearing and shall be resolved after the parties have fully briefed it.

11 Dated this 16th day of August, 2024.

12 

13 _____
14 Kimberly K. Evanson
15 United States District Judge
16
17
18
19
20
21
22
23
24